

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

400D0333

## HOUSE BILL NO. 1028

Introduced by: The Committee on Health and Human Services at the request of the Department  
of Commerce and Regulation

1 FOR AN ACT ENTITLED, An Act to permit the provision of certain drugs and drug samples  
2 by physician assistants, nurse practitioners, and nurse midwives.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 36-4A-22 be amended to read as follows:

5 36-4A-22. Specifically, and by way of limitations, an assistant to the primary care physician  
6 may:

7 (1) Take a complete, detailed, and accurate history; do a complete physical examination,  
8 when appropriate, to include pelvic and breast examinations specifically excluding  
9 endoscopic examinations; record pertinent data in acceptable medical form; and, if the  
10 physical examination is for participation in athletics, certify that the patient is healthy  
11 and able to participate;

12 (2) Perform or assist in the performance of the following routine laboratory and  
13 governing techniques:

14 (a) The drawing of venous or peripheral blood and the routine examination of the  
15 blood;

16 (b) Urinary bladder catheterization and routine urinalysis;

- 1 (c) Nasogastric intubation and gastric lavage;
- 2 (d) The collection of and the examination of the stool;
- 3 (e) The taking of cultures;
- 4 (f) The performance and reading of skin tests;
- 5 (g) The performance of pulmonary function tests excluding endoscopic
- 6 procedures;
- 7 (h) The performance of tonometry;
- 8 (I) The performance of audiometry;
- 9 (j) The taking of EKG tracings;
- 10 (3) Make a tentative medical diagnosis and institute therapy or referral; to prescribe
- 11 medication and provide drug samples or a limited supply of labeled medications,
- 12 including controlled drugs or substances listed on Schedule II in chapter 34-20B for
- 13 one period of not more than forty-eight hours, for symptoms and temporary pain
- 14 relief; to treat common childhood diseases; to assist in the follow-up treatment of
- 15 geriatric and psychiatric disorders referred by the physicians. Medications or sample
- 16 drugs provided to patients shall be accompanied with written administration
- 17 instructions and appropriate documentation shall be entered in the patient's medical
- 18 record;
- 19 (4) Perform the following routine therapeutic procedures:
- 20 (a) Injections;
- 21 (b) Immunizations;
- 22 (c) Debridement, suture, and care of superficial wounds;
- 23 (d) Debridement of minor superficial burns;
- 24 (e) Removal of foreign bodies from the external surface of the skin (specifically
- 25 excluding foreign bodies of the cornea);

- 1 (f) Removal of sutures;
- 2 (g) Removal of impacted cerumen;
- 3 (h) Subcutaneous local anesthesia, excluding any nerve blocks;
- 4 (I) Strapping, casting, and splinting of sprains;
- 5 (j) Anterior nasal packing for epistaxis;
- 6 (k) Removal of cast;
- 7 (l) Application of traction;
- 8 (m) Application of physical therapy modalities;
- 9 (n) Incision and drainage of superficial skin infections;
- 10 (5) Assist the primary care physician in health maintenance of ~~his~~ the physician's patients
- 11 by:
- 12 (a) Well-baby and well-child clinics to include initial and current booster
- 13 immunization for communicable disease;
- 14 (b) Pre- and post-natal surveillance to include clinics and home visits;
- 15 (c) Family planning, counseling, and management;
- 16 (6) Institute emergency measures and emergency treatment or appropriate measures in
- 17 situations such as cardiac arrest, shock, hemorrhage, convulsions, poisonings, and
- 18 emergency obstetric delivery. Emergency measures includes writing a chemical or
- 19 physical restraint order when the patient may do personal harm or harm others;
- 20 (7) Assist the primary care physician in the management of long-term care to include:
- 21 (a) Ordering indicated laboratory procedures;
- 22 (b) Managing a medical care regimen for acute and chronically ill patients within
- 23 established standing orders. (Prescription of modifications needed by patients
- 24 coping with illness or maintaining health, such as in diet, exercise, relief from
- 25 pain, medication, and adaptation to handicaps or impairments);

1 (c) Making referrals to appropriate agencies;

2 (8) Assist the primary care physician in the hospital setting by arranging hospital  
3 admissions under the direction of the physician, by accompanying the primary care  
4 physician on rounds, and recording the physician's patient progress notes; by  
5 accurately and appropriately transcribing and executing specific orders at the direction  
6 of the physician; by assistance at surgery; by compiling detailed narrative and case  
7 summaries; by completion of the forms pertinent to the patient's medical record;

8 (9) Assist the primary care physician in the office in the ordering of drugs and supplies,  
9 in the keeping of records, and in the upkeep of equipment;

10 (10) Assist the primary care physician in providing services to patients requiring continuing  
11 care (nursing home, extended care, and home care) including follow-up visits after the  
12 initial treatment by the physician;

13 (11) Assist the primary care physician in the completion of official documents such as  
14 death certificates, birth certificates, and similar documents required by law, including  
15 signing the documents;

16 (12) Take X-rays to be read by a physician. A physician's assistant may not administer  
17 injections in conjunction with the taking of any X-rays.

18 Section 2. That § 36-9A-12 be amended to read as follows:

19 36-9A-12. A nurse practitioner may perform the following overlapping scope of advanced  
20 practice nursing and medical functions pursuant to § 36-9A-15, including:

21 (1) The initial medical diagnosis and the institution of a plan of therapy or referral;

22 (2) The prescription and provision of drug samples or a limited supply of labeled  
23 medications, including controlled drugs or substances listed on Schedule II in chapter  
24 34-20B for one period of not more than forty-eight hours, for treatment of causative  
25 factors and symptoms. Medications or sample drugs provided to patients shall be

accompanied with written administration instructions and appropriate documentation  
shall be entered in the patient's medical record;

- (3) The writing of a chemical or physical restraint order when the patient may do personal harm or harm others;
- (4) The completion and signing of official documents such as death certificates, birth certificates, and similar documents required by law; and
- (5) The performance of a physical examination for participation in athletics and the certification that the patient is healthy and able to participate in athletics.

Section 3. That § 36-9A-13 be amended to read as follows:

36-9A-13. A nurse midwife may perform the following overlapping scope of advanced practice nursing and medical functions pursuant to § 36-9A-15, including:

- (1) Management of the prenatal and postpartum care of the mother-baby unit;
- (2) Management and direction of the birth;
- (3) Provision of appropriate health supervision during all phases of the reproductive life span to include family planning services, menopausal care, and cancer screening and prevention; and
- (4) Prescription and provision of drug samples or a limited supply of appropriate labeled medications for individuals under the nurse midwife's care pursuant to the scope of practice defined in this section, including controlled drugs or substances listed on Schedule II in chapter 34-20B for one period of not more than forty-eight hours.  
Medications or sample drugs provided to patients shall be accompanied with written administration instructions and appropriate documentation shall be entered in the patient's medical record.